

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

JONATHAN MONSARRAT,

Plaintiff,

v.

BRIAN ZAIGER,

Defendant.

CIVIL ACTION NO.
1:17-cv-10356-PBS

**DEFENDANT'S STATEMENT OF
NON-OPPOSITION TO DKT. NO. 102**

Brian Zaiger hereby states his non-opposition to the Plaintiff's "Motion for Leave to File an Affidavit in Reply to Zaiger's Opposition to Monsarrat's Motion for Leave to File a Reply Brief in Support of His Motion for Judgment on The Pleadings" (Dkt. No. 102). It plainly shows counsel for Monsarrat failed to confer regarding the potential reply to the motion for judgment on the pleadings. Although Mr. Zaiger would, ordinarily, oppose this motion for its nonsense and for the fact it was filed 5.25 hours after Mr. Goren asked to confer under Rule 7.1, Mr. Zaiger expects that an opposition would engender a third-nested-level request for leave to file yet another reply. Further, the "reply" seems to support Zaiger's position.

Dated: February 8, 2018.

Respectfully submitted,

/s/ Marc J. Randazza

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CERTIFICATE OF SERVICE

I hereby certify that this document filed through the CM/ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing and paper copies will be sent to those indicated as non-registered participants on February 8, 2018.

/s/ Marc J. Randazza
Marc J. Randazza